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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/526,510	03/04/2005	Martin Gerard Rene Bosma	TS6387 US	3611
23632	7590	04/30/2007	EXAMINER	
SHELL OIL COMPANY P O BOX 2463 HOUSTON, TX 772522463				ANDREWS, DAVID L
ART UNIT		PAPER NUMBER		
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MAIL DATE		DELIVERY MODE		
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		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/526,510	BOSMA ET AL.
<b>Examiner</b>	<b>Art Unit</b>	
David Andrews	3672	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 06 March 2007.

2a)  This action is **FINAL**.                    2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

4)  Claim(s) 1-4 and 6-12 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1-4 and 6-12 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on 06 March 2007 is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5)  Notice of Informal Patent Application  
6)  Other: \_\_\_\_\_.  
\_\_\_\_\_

## **DETAILED ACTION**

The amendment dated 3/6/2007 has been entered.

### ***Drawings***

The objection to the drawing is withdrawn in view of the new drawing submitted 3/6/2007.

### ***Claim Objections***

Claim 12 remains objected to for containing unnecessary capital letters other than the first letter of the claim. "Sodium Bentonite" should not be capitalized. The other previous objections to claim 12 are withdrawn.

Claim 6 is objected to for begin redundant of base claim 1. It is believed that applicants intention was to cancel claim 6 instead of claim 5, since the limitations of claim 6 are those which were incorporated into claim 1.

### ***Response to Arguments***

Applicant's arguments filed 3/6/2007 have been fully considered but they are not persuasive. Applicant argues that Kilaas does not disclose swellable material extending around the perforated tubular conduit and that this is not an obvious modification of Kilaas because having the swellable material outside the perforated conduit would prevent its detachment as fluids are flowed from the formation to within the conduit. However, the examiner holds that order of layers as presented by Kilaas, from the outside in as 1) perforated conduit, 2) swellable material and 3) filter, does not suffer the

problem as described by applicant and that applicant's order of layers, from the outside in as 1) swellable material, 2) filter and 3) perforated conduit remain obvious under Kilaas. Kilaas explicitly states the inner filter retains the swellable material from erosion by the flowing fluids (column 5, lines 49-51). Therefore the invention as claimed has no apparent advantage over Kilaas and is therefore obvious under Kilaas since the reorganization of the layers does not provide a solution to a problem not already solved in Kilaas.

***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-4, 6, 7, 9 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kilaas et al. (US 6,672,385). Kilaas et al. disclose a wellbore device comprising: multiple fluid passages (10 in figure 6), a body of swellable material as a sleeve with an open weave structure (8 in figure 6) wherein fluid contact substantially closes the fluid passages (column 4, lines 29-46), a filter (7 in figure 6) inside of the sleeve, wherein the device is adapted to be arranged in a wellbore formed in an earth formation (1 in figure 1), wherein certain fluid passages are closed due to contact with fluid and others remain open (closed passages 5 in figure 4), wherein the body is formed as a tube (figures 4 and 5), and wherein the activation fluid is formation water (column 2, lines 45-50; see description of ambient water). Kilaas et al. disclose all the limitations of claims 6 and 7 except for disclosing a perforated conduit inside of the

sleeve of swellable material. Kilaas et al. do disclose a perforated conduit (6 in figures 3-10), but place it on the outside of the filter and the swellable sleeve. However, the alternate layering of these structures is seen as obvious in view of Kilaas et al., since in the present application the particular organization solves no stated problem not already solved by Kilaas et al. Therefore it would have been obvious to one of ordinary skill in the art at the time to modify the wellbore device of Kilaas et al. by alternating the order of layering of the components.

Claims 8 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kilaas et al. in view of Donnelly et al. (US 5,901,789). Kilaas et al. disclose all the limitations of claim 8 except for a radially expandable perforated tubular conduit. Such expandable screens are well known in the art, one such device is disclosed by Donnelly et al. as expanded and in contact with the borehole wall (figure 6). As described by Donnelly, expanding screens add the benefit properly screening wells with irregular borehole surface or sharp bends (column 1, lines 26-37). Therefore it would have been obvious to one of ordinary skill in the art at the time of invention to combine the wellbore device of Kilaas et al. with the expandable screen of Donnelly et al. in order to alleviate the problem of irregular borehole surfaces.

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kilaas et al. in view of Dalrymple et al. (US 6,364,016). Kilaas et al. disclose all the limitations of claim 12, except for explicitly naming the water swellable materials their matrix is comprised of, although they do describe them in general terms (column 7, lines 43-56; column 8, lines 1-17). Dalrymple et al. disclose a method of reducing water

permeability in wellbores with specific substances including vinylacetate-acrylate copolymer and carboxymethyl cellulose polymers (column 3, lines 46-61). It would have been obvious to one of ordinary skill in the art at the time of invention to combine the wellbore device of Kilaas et al. with the polymers of Dalrymple et al. in order to use substances known in the art to have the water permeability reducing properties necessary to limit water production.

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Andrews whose telephone number is (571) 272-

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6558. The examiner can normally be reached on Monday-Thursday, 7:30am-5pm and alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bagnell can be reached on (571) 272-6999. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



David Bagnell  
Supervisory Patent Examiner  
Art Unit 3672

DLA  
4/18/07